

**BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

MICHAEL JOHN COLLINS
2900 Palm Avenue
Manhattan Beach, CA 90266

Respondent.

Case No. X55

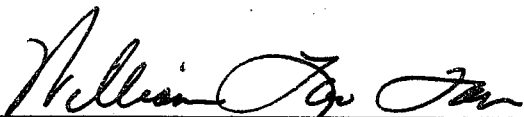
OAH No.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Psychology, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 17, 2003.

It is so ORDERED September 17, 2003.



FOR THE BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
WILLIAM LEW TAN, PRESIDENT

1 BILL LOCKYER, Attorney General
of the State of California
2 MIA PEREZ-ARGOTE, State Bar No. 203178
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-7007
5 Facsimile: (213) 897-1071

6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF PSYCHOLOGY**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues Against:

Case No. X55

11 MICHAEL JOHN COLLINS
2900 Palm Avenue
12 Manhattan Beach, CA 90266

OAH No.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

13 Respondent.
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16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
17 above-entitled proceedings that the following matters are true:

18 PARTIES

19 1. Thomas S. O'Connor (Complainant) is the Executive Officer of the Board
20 of Psychology. He brought this action solely in his official capacity and is represented in this
21 matter by Bill Lockyer, Attorney General of the State of California, by Mia Perez-Argote, Deputy
22 Attorney General.

23 2. Michael John Collins (Respondent) is representing himself in this
24 proceeding and has chosen not to exercise his right to be represented by counsel.

25 3. On or about May 12, 2003, the Board of Psychology (Board), Department
26 of Consumer Affairs received an application for a Psychological Assistant Registration from
27 Michael John Collins (Respondent). The Board denied the application on May 19, 2003.

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1 1. NOTIFICATION TO EMPLOYER Respondent shall provide each of his
2 employers, where Respondent is providing psychological services, a copy of the Decision and
3 Statement of Issues before commencing employment. Notification to Respondent's current
4 employer shall occur no later than the effective date of the Decision. Respondent shall submit,
5 upon request by the Board or its designee, satisfactory evidence of compliance with this term of
6 probation.

7 2. ONGOING TREATMENT PROGRAM Respondent shall participate
8 in on-going treatment and/or out-patient treatment such as receiving individual and/or group
9 therapy from a psychologist trained in alcohol and drug abuse treatment; and/or attend Twelve
10 Step meetings or the equivalent as approved by the Board or its designee at least once a week
11 during the first year of probation. Respondent shall provide documentation of attendance at
12 Twelve Step meetings or the equivalent on a quarterly basis to the Board or its designee.

13 All expenses associated with the treatment shall be paid by Respondent.

14 3. ABSTAIN FROM ALL NON-PRESCRIBED, CONTROLLED DRUGS
15 AND ALCOHOL AND SUBMIT TO TESTS AND SAMPLES Respondent shall abstain
16 completely from the personal use or possession of controlled substances as defined in the
17 California Uniform Controlled Substances Act, and dangerous drugs as defined by Section 4022
18 of the Business and Professions Code, or any drugs requiring a prescription unless Respondent
19 provides the Board or its designee with documentation from the treating physician and surgeon
20 that the prescription was legitimately issued and is a necessary part of the treatment of
21 Respondent. Respondent shall abstain completely from the use of alcoholic beverages.
22 Respondent shall undergo random, biological fluid testing as determined by the Board or its
23 designee. Any confirmed positive finding will be considered a violation of probation.
24 Respondent shall pay all costs associated with such testing. The length of time and frequency of
25 this testing condition will be determined by the Board or its designee.

26 Orders forbidding Respondent from personal use or possession of controlled
27 substances or dangerous drugs do not apply to medications lawfully prescribed to Respondent for
28 a bona fide illness or condition by a physician and surgeon. Respondent shall provide the Board

1 or its designee with written documentation from the treating physician and surgeon who
2 prescribed medication(s).

3 4. PROBATION COSTS Respondent shall pay the costs associated with
4 probation monitoring each and every year of probation. Such costs shall be payable to the Board
5 of Psychology at the end of each fiscal year (July 1 - June 30). Failure to pay such costs shall be
6 considered a violation of probation.

7 The filing of bankruptcy by Respondent shall not relieve Respondent of the
8 responsibility to repay investigation and enforcement costs

9 5. OBEY ALL LAWS Respondent shall obey all federal, state, and local
10 laws and all regulations governing the practice of psychology in California including the ethical
11 guidelines of the American Psychological Association. A full and detailed account of any and all
12 violations of law shall be reported by Respondent to the Board or its designee in writing within
13 seventy-two (72) hours of occurrence.

14 6. QUARTERLY REPORTS Respondent shall submit quarterly
15 declarations under penalty of perjury on forms provided by the Board or its designee, stating
16 whether there has been compliance with all the conditions of probation.

17 7. PROBATION COMPLIANCE Respondent shall comply with the Board's
18 probation program and shall, upon reasonable notice, report to the assigned District Office of the
19 Medical Board of California or other designated probation monitor. Respondent shall contact the
20 assigned probation officer regarding any questions specific to the probation order. Respondent
21 shall not have any unsolicited or unapproved contact with 1) complainants associated with the
22 case; 2) Board members or members of its staff; or 3) persons serving the Board as expert
23 evaluators.

24 8. INTERVIEW WITH BOARD OR ITS DESIGNEE Respondent shall
25 appear in person for interviews with the Board or its designee upon request at various intervals
26 and with reasonable notice.

27 9. CHANGES OF EMPLOYMENT Respondent shall notify the Board in
28 writing, through the assigned probation officer, of any and all changes of employment, location,

1 and address within 30 days of such change.

2 10. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-
3 STATE NON-PRACTICE In the event Respondent should leave California to reside or to
4 practice outside the State or for any reason should Respondent stop practicing psychology in
5 California, Respondent shall notify the Board or its designee in writing within ten days of the
6 dates of departure and return or the dates of non-practice within California. Non-practice is
7 defined as any period of time exceeding thirty days in which Respondent is not engaging in any
8 activities defined in Sections 2902 and 2903 of the Business and Professions Code. Periods of
9 temporary or permanent residency or practice outside California or of non-practice within
10 California will not apply to the reduction of this probationary period, although the Board may
11 allow Respondent to complete certain terms of probation that are not associated with active
12 practice.

13 11. FUTURE REGISTRATION OR LICENSURE If Respondent is currently
14 registered as a psychological assistant and subsequently obtains other psychological assistant
15 registrations or becomes licensed as a psychologist during the course of this probationary order,
16 Respondent agrees that this Decision shall remain in full force and effect until the probationary
17 period is successfully terminated. Future registration or licensure shall not be approved,
18 however, until Respondent is currently in compliance with all of the terms and conditions of
19 probation.


20 12. VIOLATION OF PROBATION If Respondent violates probation in any
21 respect, the Board may, after giving Respondent notice and the opportunity to be heard, revoke
22 probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to
23 Revoke Probation is filed against Respondent during probation, the Board shall have continuing
24 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
25 is final. No Petition for Modification or Termination of Probation shall be considered while
26 there is an Accusation or Petition to Revoke Probation pending against Respondent.

27 13. COMPLETION OF PROBATION Upon successful completion of probation,
28 Respondent's registration shall be fully restored.

1
2 ACCEPTANCE

3 I have carefully read the Stipulated Settlement and Disciplinary Order. I
4 understand the stipulation and the effect it will have on my Psychological Assistant Registration.
5 I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
6 intelligently, and agree to be bound by the Decision and Order of the Board of Psychology.

7 DATED: 8/25/03.

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9 
10 MICHAEL JOHN COLLINS
11 Respondent

12 ENDORSEMENT

13 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
14 submitted for consideration by the Board of Psychology of the Department of Consumer Affairs.

15
16 DATED: 8/25/03.

17 BILL LOCKYER, Attorney General
18 of the State of California

19 
20 MIA PEREZ-ARGOTE
21 Deputy Attorney General

22 Attorneys for Complainant

23 DOJ Docket Number: 03598160-LA030923
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Exhibit A

Statement of Issues No. X55

BILL LOCKYER, Attorney General
of the State of California
MIA PEREZ-ARGOTE, State Bar No. 203178
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-7007
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FILED
STATE OF CALIFORNIA
BOARD OF PSYCHOLOGY
SACRAMENTO June 26 2003
BY M. J. Goodman ANALYST

Attorneys for Complainant

BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

Case No. X55

MICHAEL JOHN COLLINS
2900 Palm Avenue
Manhattan Beach, CA 90266

STATEMENT OF ISSUES

Respondent.

Complainant alleges:

PARTIES

1. Thomas S. O'Connor (Complainant) brings this Statement of Issues solely in his official capacity as the Executive Officer of the Board of Psychology, Department of Consumer Affairs.

2. On or about May 12, 2003, the Board of Psychology, Department of Registration Consumer Affairs received an application for a Psychological Assistant from Michael John Collins (Respondent). On or about May 2, 2003, Michael John Collins certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on May 19, 2003.

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JURISDICTION

3. This Statement of Issues is brought before the Board of Psychology (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2960 of the Code states, in pertinent part:

"The board may refuse to issue any registration or license, or may issue a registration or license with terms and conditions, or may suspend or revoke the registration or license of any registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

(a) Conviction of a crime substantially related to the qualifications, functions or duties of a psychologist or psychological assistant."

5. Section 2913 of the Code states, in pertinent part:

"A person other than a licensed psychologist may be employed by a licensed psychologist, by a licensed physician and surgeon who is board certified in psychiatry by the American Board of Psychiatry and Neurology, by a clinic which provides mental health services under contract pursuant to Section 5614 of the Welfare and Institutions Code, by a psychological corporation, by a licensed psychology clinic as defined in Section 1204.1 of the Health and Safety Code, or by a medical corporation to perform limited psychological functions provided that all of the following apply:

"(a) The person is termed a "psychological assistant."

.....

"(f) No person shall practice as a psychological assistant who is found by the committee to be in violation of the provisions of Section 2960 and the rules and regulations duly adopted thereunder."

6. Section 2914 of the Code states, in pertinent part:

"Each applicant for licensure shall comply with the following requirements:

(a) Is not subject to denial of licensure under Division 1.5."

1 7. Section 2963 of the Code states:

2 A plea or verdict of guilty or a conviction following a plea of nolo contendere
3 made to a charge which is substantially related to the qualifications, functions and duties of a
4 psychologist or psychological assistant is deemed to be a conviction within the meaning of this
5 article. The committee may order the license suspended or revoked, or may decline to issue a
6 license when the time for appeal has elapsed, or the judgment of conviction has been affirmed on
7 appeal or when an order granting probation is made suspending the imposition of sentence,
8 irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code
9 allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or
10 setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

11 8. Section 475 of the Code states:

12 "(a) Notwithstanding any other provisions of this code, the provisions of this
13 division shall govern the denial of licenses on the grounds of:

14 "(1) Knowingly making a false statement of material fact, or knowingly omitting
15 to state a material fact, in an application for a license.

16 "(2) Conviction of a crime.

17 "(3) Commission of any act involving dishonesty, fraud or deceit with the intent
18 to substantially benefit himself or another, or substantially injure another.

19 "(4) Commission of any act which, if done by a licentiate of the business or
20 profession in question, would be grounds for suspension or revocation of license.

21 "(b) Notwithstanding any other provisions of this code, the provisions of this
22 division shall govern the suspension and revocation of licenses on grounds specified in
23 paragraphs (1) and (2) of subdivision (a) .

24 "(c) A license shall not be denied, suspended, or revoked on the grounds of a lack
25 of good moral character or any similar ground relating to an applicant's character,
26 reputation, personality, or habits."

27 9. Section 480 of the Code states, in pertinent part:

28 "(a) A board may deny a license regulated by this code on the grounds that the

applicant has one of the following:

"(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

"(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

"The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

"(b) Notwithstanding any other provision of this code, no person shall be denied a license solely on the basis that he has been convicted of a felony if he has obtained a certificate of rehabilitation under Section 4852.01 and following of the Penal Code or that he has been convicted of a misdemeanor if he has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

10. Section 493 of the Code states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications,

1 functions, and duties of the licensee in question.

2 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
3 'registration.'"

4 FIRST CAUSE FOR DENIAL OF APPLICATION

5 (Conviction of a Crime)

6 11. Respondent's application is subject to denial under Code sections 475,
7 subdivision (a)(2)(4), 2960, subdivision (a), and 2963 in that on or about October 12, 1995, in a
8 criminal proceeding entitled *People v. Collins* in Bakersfield Municipal Court, Case Number
9 BM517633A, Respondent was convicted by plea of guilty to Driving Under the Influence of
10 Alcohol in violation of Vehicle Code Section 23152, subdivision (a), and Failure to Appear in
11 violation of Vehicle Code Section 40508, subdivision (a), both misdemeanors.

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13 SECOND CAUSE FOR DENIAL OF APPLICATION

14 (Conviction of a Crime)

15 12. Respondent's application is subject to denial under Code sections 475,
16 subdivision (a)(2)(4), 2960, subdivision (a), and 2963 in that on or about August 15, 1990, in a
17 criminal proceeding entitled *People v. Collins* in Bakersfield Municipal Court, Case Number
18 BM428358A, Respondent was convicted by plea of guilty to: (1) Driving Under the Influence of
19 Alcohol, a misdemeanor in violation of Vehicle Code Section 23152, subdivision (a); (2) Failure
20 to Wear a Seatbelt, an infraction in violation of Vehicle Code Section 27315, subdivision (d);
21 and (3) Failure to Produce Evidence of Financial Responsibility for the vehicle, an infraction in
22 violation of Vehicle Code Section 16028, subdivision (a) .

23
24 THIRD CAUSE FOR DENIAL OF APPLICATION

25 (Conviction of a Crime)

26 13. Respondent's application is subject to denial under Code sections 475,
27 subdivision (a)(2)(4), 2960, subdivision (a), and 2963 in that on or about March 28, 1990, in a
28 criminal proceeding entitled *People v. Collins* in Bakersfield Municipal Court, Case Number

1 BM400382A, Respondent was convicted by plea of guilty to Hunting Without Possession of a
2 valid Hunting License in violation of California Administrative Code Title 14, Section 700, a
3 misdemeanor.

4 FOURTH CAUSE FOR DENIAL OF APPLICATION

5 (Conviction of a Crime)

6 14. Respondent's application is subject to denial under Code sections 475,
7 subdivision (a)(2)(4), 2960, subdivision (a), and 2963 in that on or about November 5, 1990, in a
8 criminal proceeding entitled *People v. Collins* in Kern County Superior Court, Case Number
9 MM005411A, Respondent was convicted by plea of guilty to Driving With a Blood Alcohol
10 Percentage of More than .08 in violation of Vehicle Code Section 23152, subdivision (b), a
11 misdemeanor.

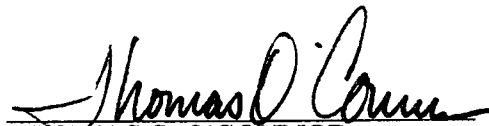
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13 PRAYER

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Board of Psychology issue a decision:

16 1. Denying the application of Michael John Collins for a Psychological
17 Assistant Registration;

18
19 2. Taking such other and further action as deemed necessary and proper.

20
21 DATED: June 26, 2003

22
23 
24 THOMAS S. O'CONNOR
25 Executive Officer
26 Board of Psychology
27 Department of Consumer Affairs
28 State of California
Complainant

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Statement of Issues Filed
Against:

Michael John Collins

No. : X55

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Michael John Collins
2900 Palm Avenue
Manhattan Beach, CA 90266

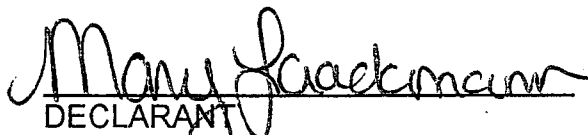
7002 0860 0004 1219 5272

Mia Perez-Argote
Deputy Attorney General
300 So. Spring St., Ste. 1702
Los Angeles, CA 90013

Each said envelope was then on, September 17, 2003, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, September 17, 2003, at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


DECLARANT
Mary Laackmann
Enforcement Analyst